

TABLE 4: SURCHARGES SUMMARY, WISCONSIN CIRCUIT COURTS
Effective July 1, 2010

Name	Statute	Percentage or Amount	Description
Bisphenol A Enforcement Surcharge (BPAS) *effective 6/15/10	100.335(7)	50% of fine or forfeiture	-if a court imposes a fine or forfeiture under 100.335, sale or manufacture of children's containers containing BPA, the court shall impose a surcharge equal to 50% of the fine or forfeiture. Distribution of funds: 100% to Dept of Agriculture Trade and Consumer Protection to fund enforcement of BPA prohibitions.
Child Pornography Surcharge (CHPRN)	973.042	\$500 per image	-if a court imposes a sentence or places a person on probation for a crime under 948.05 or 948.12, the court shall impose a child pornography surcharge for each image or each copy of an image associated with the crime. Distribution of funds: 50% to Dept of Corrections for institutions and services; 30% to Dept of Justice for investigations; 20% to Office of Justice Assistance for grants.
Clerk Fee, Civil forfeiture (CCFP)	814.63(1)(b) 814.63(1)(c)	\$25 per count	-applies to most forfeitures; the clerk shall collect a fee to be paid when judgment is entered -does not apply to smoking violations under 101.123(2) or (2m), safety belt violations under 347.48(2m), disability ID card violations under 343.51(1m)(b), or failure to carry proof of insurance under 344.62(2) Distribution of funds: \$5 to Consolidated Court Automation Program (CCAP); \$7.50 to county; \$12.50 to state general fund.
Clerk Fee, Criminal (CCFP)	814.60(1)	\$163 per count	-applies to all criminal actions; the clerk shall collect the fee when judgment is entered Distribution of funds: The county share of the clerk's fee is 6.13%; the state share is 93.87%.
Commercial Fish Protection Surcharge (CFISH)	29.984	amt. varies based on value of fish	-if a court imposes a forfeiture under 29.971 for unlawful acts involving Great Lakes fish in violation of 29.503, 29.514, or 29.519, the court may impose a commercial fish protection surcharge equal to the value of any commercial fish taken. For a fine imposed, the surcharge shall be an amount equal to 3 times the value of the fish. Distribution of funds: 100% to Dept of Nat Resources for research on Great Lakes fish.
Consumer Protection Surcharge (CONPR)	100.261	25% of fine or forfeiture	-applies to violations of ch. 98 (weights and measures), ch. 100 (marketing and trade practices), and related ordinances and administrative rules -if the court imposes a fine or forfeiture, the court shall also impose this surcharge Distribution of funds: 100% to state Dept. of Justice to fund consumer protection information and education up to \$185,000 under 20.115(1)(jb); balance to general fund.
Court Support Services Surcharge (CSS)	814.85(1)(c)	\$51	-\$51 surcharge applies to small claims, garnishments, wage claims, and other actions where amount claimed is \$5,000 or less.
	814.85(1)(a)	\$68	-\$68 surcharge applies to civil actions where no money judgment is sought, such as name change, declaratory judgment, habeas corpus, minor settlements
	814.85(1)(a)	\$68	-\$68 surcharge applies to state and county forfeitures, municipal ordinance violations, appeals from municipal court; the court shall collect the fee when judgment is entered
	814.85(1)(b)	\$169	-does not apply to safety belt or disability ID card violations or failure to carry proof of insurance -\$169 surcharge applies to civil actions where amount claimed exceeds \$5,000 -includes personal injury, property damage, foreclosure, even if amount claimed is not specified, 808.02(1)(m) -includes garnishments and wage claims over \$5,000 Distribution of funds: 100% to state treasurer.

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Crime Lab & Drug Law Enforcement Surcharge (CLD)	165.755	\$13 per count	-if the court imposes a sentence, places a person on probation, or imposes a forfeiture, a separate surcharge shall be imposed for each offense or count -applies to state law and municipal or county ordinances -does not apply to smoking, disability ID card, safety belt, nonmoving traffic violations, or failure to carry proof of insurance under 344.62(2) Distribution of funds: 100% to state Dept. of Justice for drug law enforcement, crime labs and related services.
Domestic Abuse Surcharge (DOMAB)	973.055	\$100 per count	-when the court imposes a sentence on an adult person or places that person on probation, regardless of whether any fine is imposed, the court shall impose this surcharge for each offense if: (a) the court convicts the person of a violation of various crimes listed in 973.055 or a municipal ordinance conforming to a shorter list; and the court finds that the conduct involved an act by the defendant against a spouse or former spouse, against an adult with whom the defendant resides or formerly resided, or against an adult with whom the defendant has created a child; or (b) the court convicts a person for violation of a temporary restraining order under 813.12(8)(a) or a conforming municipal ordinance. Distribution of funds: 100% to state Dept. of Health and Family Services to fund grants to domestic abuse service organizations.
DNA Analysis Surcharge (DNAAS)	973.046(1g)	\$250 per case	- if the court imposes a sentence or places a person on probation for sexual assault crimes under 940.225, 948.02(1), 948.02(2), or 948.025, the court shall impose this surcharge. -the court <u>may</u> assess the DNA surcharge if the court imposes a sentence or places a person on probation for a felony conviction in addition to the above offenses. -note that requiring a sample is different from imposing a surcharge: 973.047(1) provides that the court <u>shall</u> order any person convicted of a felony to provide a DNA sample to the State Crime Laboratory -so for most offenses, the sample is mandatory, the surcharge is discretionary Distribution of funds: 100% to state Dept. of Justice for use in supporting a DNA analysis data bank, training prosecutors in the use of DNA analysis, and related costs.
Driver Improvement Program Surcharge (DIS)	346.655	\$365	-if the court imposes a fine or forfeiture for a violation of operating under influence of intoxicant or other drug under 346.63(1) or (5) or a local ordinance in conformity; or injury by intoxicated use of a vehicle under 346.63(2) or (6) or 940.25; or homicide by intoxicated use of a vehicle under 940.09, it shall impose a driver improvement surcharge -does not apply to failure to carry proof of insurance under 344.62(2) Distribution of funds: 60% to county and 40% to state treasurer. County funds used for alcohol treatment services.
Drug Abuse Program Improvement Surcharge (DRG)	961.41(5)(a)	75% of fine and penalty surcharge	-when a fine is imposed for most drug offenses, listed in 961.41, the court shall also impose this surcharge on the amount of the fine and penalty surcharge imposed. Distribution of funds: 100% to state Dept. of Health and Family Svcs. to fund programs and grants providing prevention, intervention and treatment for alcohol and drug abuse problems.

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Drug Offender Diversion Surcharge (DRGOD)	973.043	\$10 per case	-if the court imposes a sentence or places a person on probation for property crimes under ch. 943, the court shall impose this surcharge for each conviction. Distribution of funds: 100% for substance abuse treatment grants to programs serving criminal offenders, administered by Office of Justice Assistance.
E-Filing Convenience Fee (ECF)	758.19(4m) 801.17(7)(d)	\$5 per case	-users of the electronic filing system under 801.17(7)(d) pay a convenience fee for filing the complaint or petition, in an amount set by the Director of State Courts under 758.19(4m). Distribution of funds: 100% to the Director of State Courts for circuit court automated information systems.
Environmental Surcharge (ENV)	299.93	20% of fine or forfeiture	-if the court imposes a fine or forfeiture for a violation of ch. 280 pure drinking water, ch. 281 water & sewage, ch. 283 pollution discharge elimination, ch. 285 air pollution, ch. 289 solid waste facilities, ch. 291 hazardous waste management, ch. 292 remedial action, ch. 293 metallic mining, ch. 295 nonmetallic mines reclamation: oil & gas, or ch. 299 general environmental, the court shall impose this surcharge Distribution of funds: 100% to the state Environmental Fund.
Fishing Net Removal Surcharge (FNETC) (FNETS)	29.991	cost of removal + 75%	-if the court imposes a forfeiture under 29.931(2)(am) for failure to reimburse DNR for costs of removing a net, the court shall impose a fishing net removal surcharge equal to the cost of removing the net plus 75% of the amount of the forfeiture. Distribution of funds: 100% to state Dept of Natural Resources Conservation Fund.
Fishing Shelter Removal Surcharge (FSH)	29.985	varies	-defendant to pay the cost of seizure, destruction or sale of the fishing shelter -in addition, the court shall impose a fishing shelter removal surcharge equal to the costs that should have been reimbursed under 29.404(2) -if defendant does not reimburse these costs within 20 days, court shall impose forfeiture up to \$100 under 29.404(3). Distribution of funds: 100% to state Dept. of Natural Resources Conservation Fund Fish and Wildlife Account.
Great Lakes Resources Surcharge (GLRES)	29.9905	75% of fine or forfeiture	-if a court imposes a fine or forfeiture for violation of 29.503 involving Great Lakes fish or for a violation of 29.514 or 29.519, the court shall impose a Great Lakes resource surcharge of 75% of the fine or forfeiture. Distribution of funds: 100% to Dept of Nat Resources for research on Great Lakes fish.
Ignition Interlock Surcharge (IIDS)	343.301(5)	\$50	-if the court enters an order under 343.301(1g), the court shall impose and the person shall pay an ignition interlock surcharge of \$50. Distribution of funds: 100% to the county treasurer.
Jail Surcharge (JAIL)	302.46(1)	1% of fine or forfeiture or \$10, whichever is greater	-if the court imposes a fine or forfeiture for a violation of state law or municipal or county ordinance it shall impose a jail surcharge for each count -does not apply to smoking, disability ID card, safety belt, non-moving traffic violations or failure to carry proof of insurance Distribution of funds: 100% retained by counties to construct, remodel, repair or improve county jails.

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Justice Information Surcharge (JINFO)	814.86(1)	\$21.50	-the clerk of circuit court shall collect \$21.50 from any person paying a fee for civil actions under 814.61(1)(a) or (3); administrative & municipal appeals under 814.61(8m); garnishment, wage earner, and small claims actions under 814.62; or forfeiture actions under 814.63(1) -does not apply to safety belt, disability ID card violations or failure to carry proof of insurance Distribution of funds: \$6 to Wisc. Supreme Court for court automation under 20.680(2)(j); \$14.50 to state Dept. of Administration for various justice programs; \$1 to state general fund.
Juvenile Delinquency Victim Witness Surcharge (JDVWA)	938.34(8d)	\$20 per case	-for violations for which a juvenile is adjudicated delinquent, the court shall, in addition to any disposition imposed under 938.34, impose a delinquency victim & witness assistance surcharge of \$20 Distribution of funds: 100% to state Dept. of Justice to fund victim and witness services.
Municipal Fee	814.63(2)	\$5	-upon disposition of a forfeiture action in circuit court for violation of a county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district ordinance, the above government unit shall pay a non-refundable \$5 fee -does not apply to safety belt violations or failure to carry proof of insurance Distribution of funds: 100% to clerk of circuit courts.
Natural Resources Surcharge (NATR)	29.987 169.46(1)	75% of fine or forfeiture	-if the court imposes a fine or forfeiture for violation of ch. 29 (wild animals and plants) or or ch. 169 (captive wildlife), or related order the court shall impose this surcharge Distribution of funds: 100% to state Dept. of Natural Resources Conservation Fund.
Natural Resources Restitution Surcharge (NREST)	29.989 169.46(2)	varies	-equal to the amount of the fee of the license or stamp that should have been paid -if the court imposes a natural resources surcharge for violation of ch. 29, ch. 169, or a related order, the court shall impose this surcharge also -do not treat this as restitution for purposes of the restitution surcharge under 973.06(1)(g) Distribution of funds: 100% to state Dept. of Natural Resources Conservation Fund.
Occupational License Fee	814.61(14) 343.10(4),(6) 351.07(1g)	\$40	-for filing a petition for occupational license under 343.10(4) or 351.07 Distribution of funds: under 343.10(4), 100% to county; for habitual traffic offenders under 351.07, 50% to state general fund and 50% to county.
Penalty Surcharge (PEN)	757.05	26% of fine or forfeiture	-if the court imposes a fine or forfeiture for a violation of state law or municipal or county ordinances, it shall impose a penalty surcharge -does not apply to smoking, disability ID card, non-moving traffic, safety belt violations or failure to carry proof of insurance Distribution of funds: 100% to state Dept. of Justice for law enforcement training and related services.
Railroad Crossing Improvement Surcharge (RRCI)	346.495 346.65(4r) 346.177	50% of forfeiture	-if the court imposes a forfeiture under 346.49(1g), (2m)(a), (am), or (b), for a violation of 346.44, 346.45, or 346.46(3) the court shall impose this surcharge Distribution of funds: 100% to state Dept. of Transportation to fund railroad crossing protection installation and maintenance.
Restitution Surcharge (RST10)	973.06(1)(g)	10% of any restitution ordered	-if the court orders restitution under 973.20(1r), the court shall impose an amount equal to 10% of the restitution ordered Distribution of funds: 100% to county treasurer.

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Restitution Administrative Surcharge (REST5)	973.20(11)(a)	5% of total fines, surcharges, costs, etc.	-if defendant is not placed on probation or sentenced to prison, the court may order that restitution be paid to the clerk of circuit court for transfer to the appropriate person -if defendant is placed on probation, restitution paid to Dept. of Corrections for transfer to the appropriate person -the court shall impose a surcharge equal to 5% of the total amount of restitution, costs, attorney fees, fines and surcharges, including the 10% restitution surcharge Distribution of funds: 100% to Dept. of Corrections or clerk for administrative expenses.
Sheriff's Surcharge (WF)	973.06(1)(a) & 814.70	varies	-the necessary disbursements and surcharges of officers allowed by law and incurred in connection with the arrest, preliminary examination and trial of the defendant -use amount on the bench warrant or order to produce; if none don't assess Distribution of funds: 100% to county sheriff's dept.
Snowmobile Registration Restitution Payments (SNOW)	350.115	varies	-if the court imposes a forfeiture for a violation of ch. 350 where payment of a snowmobile registration fee is required, the court shall impose a snowmobile registration restitution payment equal to the required fee that should have been paid -do not treat this as restitution for purposes of the restitution surcharge under 973.06(1)(g) Distribution of funds: 100% to state Dept. of Natural Resources Conservation Fund.
Special Prosecution Clerks Surcharge (MILWP)	814.86(1m)	\$3.50	-Milwaukee only -applies whenever the Justice Information Surcharge is assessed Distribution of funds: 100% to state treasurer to reimburse Milwaukee County district attorney expenses under 20.475(1)(i)
Supplemental Food Enforcement Surcharge (Formerly WIC) (FOOD)	253.06(4)(c)	50% of fine or forfeiture	-if a court imposes a fine, forfeiture or recoupment for a violation of this subsection, the court shall impose this surcharge Distribution of funds: 100% to state Dept. of Health and Family Services for the administration of the supplemental food program for women, infants and children.
Truck Driver Education Surcharge (TRUCK)	349.04(1)	\$8 per count	-if the court imposes a fine or forfeiture for a violation of ch. 346-348 or a rule issued under ch. 346-48 and the violation involved a commercial motor vehicle, the court shall impose a truck driver education surcharge of \$8. Distribution of funds: 100% to fund truck driver training grants.
Uninsured Employers Surcharge (UNEMP)	102.85(4)(a)	75% of fine or forfeiture	-when an employer fails to comply with ch. 102.16(3) or 102.28(2) (worker's compensation) and if the court imposes a fine or forfeiture, it shall impose this surcharge Distribution of funds: 100% to the state Uninsured Employers Fund.
Victim/Witness Surcharge (VWA) (VWAB)	973.045(1)	Misd. \$67 Felony \$92 per count Part A = \$40/\$65 Part B = \$27/\$27	-if the court imposes a sentence or places a person on probation, the court shall impose the crime victim and witness assistance surcharge for each offense or count -surcharge applies even if no fine or forfeiture is imposed -surcharge also imposed if the complaint charged one or more crimes and, as a result of the complaint being amended, the defendant is found guilty of a forfeiture in lieu of one of those crimes. Either the felony or misdemeanor surcharge applies depending on the crime originally charged in the complaint. In this case, the entire surcharge goes to Part A. Distribution of funds: 100% to state Dept. of Justice to fund payments to victims, victim and witness services, and grants for sexual assault victim services.

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Weapons Surcharge (WEAP)	167.31(5)(a)	75% of fine or forfeiture	-if the court imposes a fine or forfeiture for a violation of this section, the court shall impose a weapons surcharge Distribution of funds: 100% to state Dept. of Natural Resources Conservation Fund for law enforcement operations.
Wild Animal Protection Surcharge (WLDAN)	29.983(1)(a)	varies by animal	-if the court imposes a fine or forfeiture under this chapter for unlawful killing, wounding, catching, taking, trapping or possession of a wild animal specified in par(b), the court may impose this surcharge in an amount specified by 29.983(1)(b) -surcharge is imposed per animal. See 29.983(b) for detail Distribution of funds: 100% to state Dept. of Natural Resources Conservation Fund.
Wildlife Violator Compact Surcharge (WVCS)	29.99	\$5 per count	-if the court imposes a fine or forfeiture for a violation of ch. 29 or an order issued under it, the court shall impose a \$5 surcharge for the violation Distribution of funds: 100% to state Dept of Natural Resources Conservation Fund.